

## Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 FCSC-01 JUSE-00 EB-08 H-02  
TRSE-00 OMB-01 SEC-01 PM-05 DODE-00 CA-01 /035 W  
-----115219 241026Z /23

R 240713Z JAN 78  
FM AMCONSUL MUNICH  
TO SECSTATE WASHDC 9768  
AMEMBASSY BONN

UNCLAS MUNICH 00415

SECSTATE PASS TO FOREIGN CLAIMS SETTLEMENT COMMISSION  
SECSTATE FOR L

BONN FOR PFUND

FROM CHARIG, AMCONSUL MUNICH

SUBJECT: OVERLAPPING CLAIMS - GERMAN ADMIN COURT DECIS.

1. MY REPORT IN CABLE 13130Z JAN 78 (MUNICH 00193) IS UP-  
DATED AS FOLLOWS;
2. HAVE RECEIVED COPY OF BERLIN ADMIN COURT DECISION  
DTD NOV 22, 1977 BUT SERVED ON PLAINTIFF'S ATTORNEY  
JAN 13, 1978 IN MATTER GERDA BENJAMIN, 215 EAST 80TH ST,  
NEW YORK, NY 10021 V. LAND BERLIN, WHICH VERY SIMILAR  
TO FREYMUTH DECISION (CF. PARA. 4 REFTEL). COURT ALSO  
DENIED REVIEW. DEFENDANT'S TIME TO FILE OBJECTIONS TO  
DENIAL OF REVIEW, AND TIME OF REPRESENTATIVE OF EQUALIZA-  
TION FUND TO FILE, EXPIRES O/A FEB 13.
3. HAVE ALSO RECEIVED COPIES OF FOLLOWING BRIEFS OF RE-  
PRESENTATIVE OF EQUALIZATION FUND IN DR. FREYMUTH CASE:  
(A) OBJECTIONS AGAINST DENIAL OF REVIEW WITH REASONS  
DTD DEC 20, 1977. (B) NOTICE OF REVIEW BASED ON AL-  
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LEGED PROCEDURAL ERRORS, WITHOUT REASONS, DTD DEC 20, 1977.  
(C) REQUEST OF DEC 22 FOR TWO MONTHS' EXTENSION  
OF THE ONE MONTH STATUTORY TIME LIMIT TO SUBMIT REASONS  
OF REVIEW. AM INFORMED THAT SUCH EXTENSION WAS GRANTED  
BY COURT TO MAR 23, 1978 AS REQUESTED. BRIEFS UNDER  
(A) AND (B) WERE ADDRESSED TO BERLIN ADMIN COURT, BRIEF  
UNDER (C) TO FEDERAL ADMIN COURT. AM MAILING COPIES OF

SAID BRIEFS TO ADDRESSEES OF THIS MSG. IT IS AGAIN REQUESTED THAT ENGLISH TRANSLATIONS BE PREPARED SOONEST BY DEPSTATE WASHDC. TRANSLATIONS TO BE DISTRIBUTED TO ADDRESSEES AND ME.

4. I AGREE WITH COMMENT OF LAWYER FOR DR. FREYMUTH, GERDA BENJAMIN AND TWO OTHERS THAT TACTICS OF DEFENDANT EQUALIZATION AUTHORITIES APPARENTLY AIMED AT DELAYING PROCEEDINGS SO AS TO POSTPONE OR AVOID TIME WHEN DECISIONS BECOME FINAL AND THUS PRECEDENTS. SUCH TACTICS WOULD BE INCONSISTENT WITH EFFORTS TO REACH AN ARRANGEMENT WITH US GOV REGARDING OVERLAPPING CLAIMS RATHER THAN SOLVE THE PROBLEM BY LETTING ADMIN COURT DECISIONS BECOME FINAL.

5. AS MENTIONED IN PARA. 7 OF REFTTEL, IMPLICATIONS OF PENDING LITIGATION IN GERMAN ADMIN COURTS SHOULD BE CONSIDERED AND EVALUATED CAREFULLY AS POTENTIAL AVENUE OF SOLUTION OF PROBLEM CREATED BY GERMAN STOP ORDER. EARLY INTER-AGENCY TALKS OR COORDINATION APPEAR NECESSARY. TIMING OF GOVERNMENT-TO-GOVERNMENT CONTACTS BECOMING INCREASINGLY IMPORTANT. CAN WE AWAIT CONCLUSION OF GERMAN ADMIN COURT DECISIONS? THIS WOULD REQUIRE ABOUT ONE YEAR IF DENIAL OF REVIEW STICK, TWO OR MORE YEARS IF REVIEW ALLOWED.

6. MOREOVER, IT WILL BE DIFFICULT AND UNWISE FOR THE COM-  
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MISSION TO DELAY MUCH LONGER ANSWERING THE INQUIRIES OF BUNDESAUSGLEICHSAMT REGARDING THE INTERPRETATION OF SEVERAL ASPECTS OF PL 94-542. FURTHER DELAY MIGHT PREJUDICE DAY-TO-DAY CONTACTS WITH EQUALIZATION AUTHORITIES IN THE FACT-GATHERING AREA.

7. IN ADDITION TO DR. FREYMUTH AND GERDA BENJAMIN, ATTORNEY HINTZ REPRESENTS HILDE SICHEL AND RUTH GALLACHER. CASES REPRESENTED BY OTHER ATTORNEYS INCLUDE BELASZESKUL, AMY VAN TONGEL NEE SCHUPE, SALT LAKE CITY, UTAH, AND FIVE MEMBERS OF COMMUNITY OF HEIRS OF MRS. BERTA BENNIGSON. SOME OF THOSE OTHER PLAINTIFFS ARE REPRESENTED BY MERE "CONSULTANTS" WHO SEEM TO HAVE NO LAW DEGREE.

8. FCSC: PLEASE INFORM ORIG SOONEST WHETHER DR. FREYMUTH, AND OTHER PLAINTIFFS NAMED IN THIS MSG, HAVE ALREADY FILED CLAIMS UNDER PL 94-542. BETTS

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## Message Attributes

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Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014